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August 31, 2022

VIA ECF

The Honorable Douglas E. Arpert, U.S.M.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *Aurinia Pharmaceuticals Inc. v. Sun Pharmaceutical Industries, Inc., et al.*
Civil Action No.: 3:20-cv-19805-GC-DEA

Dear Magistrate Judge Arpert,

Plaintiff Aurinia Pharmaceuticals Inc. (“Aurinia”) and Defendants, Sun Pharmaceutical Industries, Inc., Sun Pharmaceutical Industries, Ltd., and Sun Pharma FZE (collectively “Sun” or “Defendants”) (together, the “parties”), jointly respectfully request extension of the fact discovery deadline to September 30, 2022 for the limited purpose of completing discovery that has already been served in the above-referenced action.

Pursuant to the stipulation entered by the Court on June 30, 2022 (D.E. 109), the close of fact discovery in this matter is September 1, 2022. Good cause exists for this extension as the parties have been working diligently to complete fact discovery, but an extension of time is necessary.¹ In terms of depositions, such discovery consists of the following depositions:

- Mr. Mark Hagler on September 28 (at 9am Eastern time)
- Dr. Atul Raut on September 22 (at 4pm India time)²

¹ The parties continue to dispute the process used by Sun to collect and produce ESI. *See* D.E. 90, D.E. 94, D.E. 97, D.E. 107. Sun believes this issue has been resolved, and objects to the inclusion of this footnote.

² The parties continue to dispute whether Sun should produce its witnesses who reside in India, Drs. Raut, Jadhav and Khopade, for in-person depositions in India. *See* D.E. 107, 4-7. The parties have agreed to schedule dates for remote depositions of these witnesses to move the case forward, and further agree to discuss any necessary rescheduling should the Court compel Sun to provide



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- Dr. Ganesh Jadhav on September 20 (at 7am India time)
- Dr. Ajay Khopade on September 30 (at 7am India time)
- Dr. Kishore Cholkar on September 7 (at 9am Pacific time)
- Dr. Fang Xie of Greenberg Traurig at a date and time to be determined.³
- Mr. Michael Martin at a date and time to be determined.

The parties continue to dispute whether the following depositions are appropriate under the apex doctrine: Mr. Kirti Ganorkar and Dr. Subhas Bhowmick (Sun's witnesses); and Dr. Robert Huizinga and Dr. Neil Solomons (Aurinia's witnesses). *See* D.E. 113, D.E. 114, D.E. 115, D.E. 117. The parties also continue to dispute whether the 30(b)(1) notices for depositions of Mr. Ganorkar and Dr. Bhowmick, as well as Ms. Mukta Malhotra and Ms. Kohinoor Das, are timely and appropriate. *See* D.E. 113, D.E. 115.

The parties agree that—consistent with and as a continuance of the parties' prior stipulation (D.E. 109)—supplementation of discovery responses will be permitted, but no new discovery requests, subpoenas, or deposition notices may be issued. The parties have submitted competing proposals for the deadlines for expert discovery for the Court's consideration (D.E. 110, D.E. 111). That dispute centers on whether expert discovery should be set from the date the Court issues a *Markman* order (as Sun proposes), or from the date that fact discovery closes, as Aurinia proposes. (*Id.*)

If the foregoing is acceptable to Your Honor, the parties respectfully request that the Court so order this letter. We thank the Court for its consideration in this matter.

Respectfully submitted,

RIVKIN RADLER LLP

s/ Gregory D. Miller

GREGORY D. MILLER

cc: All Counsel of Record (*via* ECF)

in-person depositions of these witnesses before the scheduled remote depositions set forth herein are conducted.

³ Dr. Xie is presently located in Beijing, China, and her return date has not yet been determined. Because depositions for use in foreign proceedings are banned in China, her deposition, should the parties proceed with it, must take place after she returns to the United States.



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SO ORDERED this ____ day of _____, 2022.

HON. DOUGLAS E. ARPERT, U.S.M.J.